

City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2013-0062

Approved by Planning and Zoning: September 24, 2013

Permission is hereby granted to: Daniel Bender t/a Seva Cafe

to use the premises located at: 2016 Mount Vernon Avenue

for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

9/24/2013

Date

Faroll Hamer
Faroll Hamer, Director
Department of Planning and Zoning

DATE: September 24, 2013

TO: Karl Moritz, Deputy Director
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2013-0062
Administrative Review for New Use
Site Use: Restaurant
Applicant: Daniel Bender t/a Seva Cafe
Location: 2016 Mount Vernon Avenue
Zone: CL / Commercial Low and Mount Vernon Urban Overlay

Request

Special Use Permit #2013-0062 is a request to operate a new restaurant on the first floor of the subject building in Del Ray. The applicant proposes a 30-seat coffee shop serving coffee, tea, specialty coffee and tea drinks, as well as salads. The hours of operation are proposed to be 6 a.m. to 9 p.m. daily. No alcohol, live entertainment, or food service delivery are proposed. No outdoor dining is proposed at the present time. The applicant plans to operate under the trade name "Seva Café."

Background

The previous main tenant of the subject building was a professional office known as Mind & Media, which relocated to Old Town earlier this year.

City Council approved a text amendment as part of the 2010 Small Business Zoning initiative to allow coffee and ice cream shops outside of Old Town to qualify for Administrative SUP approval by specifically exempting them from the ordinary requirement that restaurants need to provide "full service" to meet the eligibility threshold for administrative approval.

Parking

Pursuant to Section 8-200(A)(8) of the Zoning Ordinance, one off-street parking space is required for every four restaurant seats. The 30-seat restaurant is therefore required to provide eight off-street parking spaces for the use. The applicant satisfies this requirement through the provision of eight off-street parking spaces in the 16-space lot located immediately behind the building. The remaining eight spaces are available for future office tenants on the second floor of the building.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. Staff also informed the Del Ray Citizens and Del Ray Business Associations about the current application. Staff has not received any comments from community groups, residents or adjacent businesses regarding this application.

Staff Action

Staff supports the applicant's request to operate a restaurant in this location, which is eligible for Administrative SUP approval pursuant to Sections 4-102.1(A), 6-603(C)(2), and 2-190.3 of the Zoning Ordinance. The proposal is the first coffee or ice cream shop seeking Administrative SUP approval since the exemption for these uses was approved in 2010. It also represents the change of an existing office use to retail/restaurant use, which is consistent with a goal of the Mount Vernon Avenue Business Area Plan, and reflected the Mount Vernon Urban Overlay Zone, to encourage such uses in the "retail core" area in Del Ray.

The potential for neighborhood impacts from the use is expected to be very low. The use is relatively small in size and consists of only 30 seats. The hours of operation are reasonable, and no alcohol or live entertainment is expected. Ample parking for customers and employees and for supply deliveries is located directly behind the building, which is notable given the limited amount of unclaimed off-street parking spaces around Del Ray.

Several standard conditions of approval have been included in this report regarding matters such as trash, odors, and litter pick-up. One common condition (Condition #19) requires the applicant to post signage to direct patrons to the location of off-street parking, since the location of the lot and its availability may not be immediately obvious to customers. Condition #9, which has been included in many other SUPs for businesses on Mount Vernon Avenue, will require all building façade improvements, including signage, to be consistent with the Mount Vernon Avenue Design Guidelines.

Staff sees some potential that the restaurant could add menu items in the future such that, over time, it could become more of a restaurant in the typical sense of the term rather than only a coffee shop. Such an expansion may or may not create new land-use impacts as a practical matter, though it may require new Special Use Permit approval either administratively or at public hearings. Special condition language has therefore been included in this report (Condition #2) to emphasize that the restaurant is limited to the scope articulated in the coffee/ice cream shop Zoning Ordinance definition.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: 9/24/2013
Action: Approved


Karl Moritz, Deputy Director

Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2013-0062

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP#2006-0098)
2. Any intensification of the restaurant beyond that of a “coffee/ice cream shop” as defined in the Zoning Ordinance shall require approval of a Special Use Permit amendment. (P&Z)
3. The hours of operation of the restaurant shall be limited to between 6 a.m. and 9 p.m. daily. Meals ordered before 9 p.m. may be sold, but no new patrons may be admitted after 9 p.m. and all patrons must leave by 10 p.m. (P&Z)
4. The maximum number of seats at the restaurant shall be 30. No outdoor dining shall be allowed at the restaurant until such time that the applicant obtains approval of a Special Use Permit amendment. (P&Z)
5. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
6. No alcohol sales shall be allowed at the restaurant. (P&Z)
7. No live entertainment shall be permitted at the restaurant. (P&Z)
8. No delivery service shall be available from the restaurant. (P&Z)
9. All exterior improvements, including signage, shall be consistent with the Mount Vernon Avenue Design Guidelines to the satisfaction of the Director of Planning & Zoning. (P&Z)
10. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
11. No food, beverages, or other material shall be stored outside. (P&Z)
12. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z) (T&ES)
13. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the

close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)

14. The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line. (T&ES)
15. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
16. The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
17. Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m. (T&ES)
18. The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (T&ES)
19. The applicant shall post a sign at the front of the building directing patrons to the location of off-street parking to the satisfaction of the Director of Planning and Zoning. (P&Z)
20. The applicant shall encourage its employees and customers to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (T&ES)
21. The applicant shall require its employees who drive to work to use off-street parking. (T&ES)
22. The Director of Planning and Zoning shall review the Special Use Permit one year from this approval and shall docket the matter for consideration by the Planning Commission and City Council if: (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services

R-1 From Section 11-513(C) of the Zoning Ordinance:

- (2) The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods.
- (3) The applicant shall encourage its employees and customers to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities.
- (5) The applicant shall require its employees who drive to work to use off-street parking.
- (7) Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the director.
- (9) Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation.
- (10) The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line.

R-2 From Section 11-513(L) of the Zoning Ordinance:

- (10) Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- (11) The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services.
- (12) Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m.

- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)

Code Enforcement

- F-1 No comments received

Recreation, Parks & Cultural Activities

- F-1 No comments received

Health Department

Food Facility

1. An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual or location to another.
2. Plans shall be submitted to the Health Department through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200 plan review fee payable to the City of Alexandria.
3. Plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food and Food Handling Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
4. Facilities engaging in the following processes may be required to submit a HACCP plan: Smoking as a form of food preservation; curing foods; using food additives to render food non-potentially hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; and sprouting seeds or beans.
5. A Certified Food Manager shall be on duty during all operational hours.
6. The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.

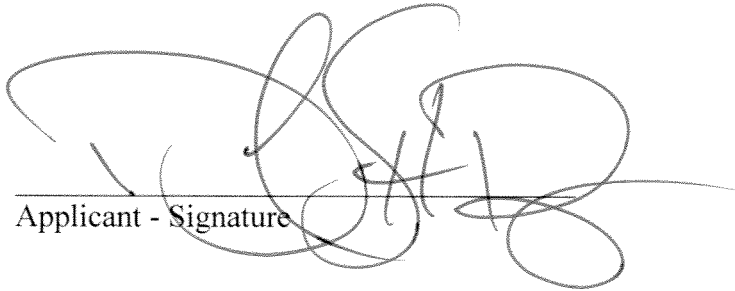
7. Wood flooring in eating areas shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent. In many cases, original wooden flooring in historical structures may not be suitable for food service facilities.

Police Department

F-1 No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2013-0062. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 2016 Mount Vernon Avenue.

A large, stylized handwritten signature in black ink, appearing to read 'Daniel S. Bender', written over a horizontal line.

Applicant - Signature

9/25/13
Date

Daniel S. Bender
Applicant - Printed

9/25/13
Date